

## REMARKS

Claims 1, 10, 14 and 15 have been rejected under 35 U.S.C 102(b) as being anticipated by Rivera et al '288. Claims 2 and 16 have been rejected as being unpatentable over the combination of Rivera et al '288 in view of Tomasetti et al '686. Claims 4/1 - 6/1 have been rejected as being unpatentable over the combination of Rivera et al '288 in view of British Halpern '183. Claims 4/1 and 6/1-9/1 have been rejected as being unpatentable over the combination of Rivera et al '288 in view of Ericson et al '529. Claims 4/2 -6/2 have been rejected as being unpatentable over the combination of Rivera et al '288 in view of Tomasetti et al '686 and Halpern '18. Claims 4/2 and 6/2-9/2 have been rejected as unpatentable over the combination of Rivera et al 288 in view of Tomasetti et al '686 and Ericson et al '529.

Responsive to the rejections claims 1, 10, 14 and 15 have been amended to more precisely define the present invention and distinguish it from the cited references. Minor formal corrections to the claims have also been made.

In rejecting claim 10, the Examiner asserts that Rivera et al discloses a building floor plate with an underside and an upper side and a lift comprising a three-dimensional body. Applicants firstly dispute the Examiner's definition of the floor plate (shown as mark-up Fig. 4 of Rivera in the Office Action) He asserts that the construction appearing to the right of the vertical dashed line is the floor plate. This is incorrect, as that portion includes both a "floor plate" as well as a "shaft base". They are shown as two different elements and it is improper for the Examiner to unilaterally re-define the metes and bounds of the elements. Properly construed, Rivera's floor plate terminates at the top surface of the shaft base, and does not anticipate claim 10.

Further, claim 10 now defines the invention in terms of a lift installation having a flat floor plate and a lift shaft extending above the floor plate, in which the lift shaft has a base with an underside lying at the same level as the underside of the floor plate and having an upper surface lying at a level above the underside of the floor plate but below the upper side of the floor plate. Such a definition is supported by the Specification and Fig. 2. Rivera et al clearly does not have a flat floor plate; it is shown in Rivera Fig. 4 as having a depending portion. Thus Rivera cannot anticipate the present invention as now set forth by claim 10.

Claim 10 is allowable over the art of record.

Turning next to independent claims 1, 10, 14 and 15, the Examiner asserts that Rivera et teaches an inverted U-shape frame when viewed from the top of the shaft (i.e. it lies horizontally). Applicants have amended claims 1, 14 and 15 to clarify and recite that the inverted U-shaped construction of the present invention extends vertically, rather than horizontally as shown in Rivera et al. In addition, the claims now recite that the top plate of the inverted U-shape frame extends across the three-dimensional body and that the three-dimensional body is located between the side frames. Rivera et al's asserted "inverted U" does not have side frames between which is positioned the three-dimensional body, nor does it have a top frame extending across the three dimensional body. Rivera et al's U-shape frame extends rearward, away from the cage or three-dimensional body, to embrace the guide rails, not the three-dimensional body. The reference neither teaches nor suggests a support body comprising a vertically oriented inverted U shape frame having top and side frames which embrace and surround a three-dimensional body or cab.

Claims 1, 10, 14 and 15 are allowable.

As all independent claims are neither anticipated nor rendered unpatentable by the art of record, and the secondary references cited by the Examiner have do not disclose nor have been asserted by the Examiner to address or further teach any of the deficiencies of the main reference as set forth herein, it is respectfully requested that all rejections of all claims be withdrawn and that the present application be passed to allowance.

Respectfully submitted,

SCHWEITZER CORNMAN GROSS & BONDELL LLP  
**Customer No. 022831**  
Attorneys For Applicant  
292 Madison Avenue – 19<sup>th</sup> Floor  
New York, NY 10017  
Telephone - (646) 424-0770  
Facsimile - (646) 424-0770

JAB/cw

BY

JAY A. BONDELL, ESQ., REG. #28,188